

UNITED STATES PATENT AND TRADEMARK OFFICE

REGISTRATION NO: 2,663,011

REGISTRANT: Qdoba Restaurant Corporation

June 16, 2003

CORRESPONDENT ADDRESS:

JAMES R. MEYER
SCHNADER HARRISON SEGAL & LEWIS LLP
1600 MARKET STREET, SUITE 3600
PHILADELPHIA, PA 19103

RETURN ADDRESS:

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514
TMPostRegistration@uspto.gov

MARK: NOT JUST BIG BURRITOS. BIG FLAVOR.

CORRESPONDENT'S REFERENCE/DOCKET NO: 3002146-0000

CORRESPONDENT EMAIL ADDRESS:

jmeyer@schnader.com

Please provide in all correspondence:

1. Registration date, registration number, mark and registrant's name.
2. Date of this Office Action.
3. Examiner's name and Post Registration Division.
4. Your telephone number and e-mail address.

POST REGISTRATION OFFICE ACTION

RE: Registration Number 2,663,011

The Section 7 Amendment submitted on April 2, 2003 is refused for the following reason(s):

The drawing is not acceptable. The owner must submit a new drawing. If the owner wishes to amend the mark to a typed version, the owner must submit a drawing that displays the mark typed entirely in capital letters and on one line. If the owner intends to show the mark in special form, the applicant must submit an acceptable special-form drawing.

The owner did not file the required specimen. When the Section 7 Amendment involves a change in the mark, a specimen showing use of the mark in the altered form must be submitted. 37 C.F.R. §2.173(a). The owner must verify with an affidavit or declaration in accordance with 37 C.F.R. 2.20 that the specimen was in use in commerce on or in connection with the goods/services listed in the registration when the Section 7 Amendment was filed.

This confirms a telephone conversation with James R. Meyer on June 13, 2003.

To verify the information required above, the owner must submit a substitute affidavit or declaration in accordance with 37 C.F.R. §2.20. The following is a properly worded declaration in accordance with 37 CFR §2.20.